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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,077	09/14/1998	ROMAN M. GOLICZ	9534	8430

7590 02/27/2004

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EXAMINER
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BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 37

Application Number: 08/962,077  
Filing Date: September 14, 1998  
Appellant(s): GOLICZ ET AL.

\_\_\_\_\_  
Charles G. Nessler  
For Appellant

EXAMINER'S ANSWER

Art Unit: 3653

This is in response to the appeal brief filed 12 September 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The amendment after final rejection filed on 11 February 2003 has been entered.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief does not contain a statement that claims 26, 27, 28, 30, 31, 32 and 45 stand or fall together.

Claims 26, 27, 30-32 and 45 do not stand or fall together as Appellant has presented separate arguments.

Claim 28 stands or falls with 27.

**(8) *Claims Appealed***

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The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

3,570,844     ANDERSON ET AL     3-1971

5,120,043     MARZULLO     6-1992

4,909,499     O'BRIEN ET AL     3-1990

60-97141     WATANABE (Japan)     5-1985

HABICH, A. B. ET AL. Envelope Picker – Separator IBM Technical

Disclosure Bulletin, Vol. 19 No. 3 (August 1976) pp. 746-747

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 26 is rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 26.

Claim 27, 28, 30-32 and 45 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 26.

**(11) Response to Argument**

Appellant has argued that each of the references to Habich et al and Anderson et al disclose only a single moment, namely Appellant's second moment due to contact of the belt with the sheet and that neither Habich et al or Anderson et al teach the rotary friction induced first moment required in claim 26.

This argument is without merit.

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Habich et al will have a moment imparted to the body 11 upon rotation of the shaft 1 due to the surface friction existing between the surface of the opening in body 11 and the surface of the shaft. Further, the friction between these surfaces will be increased because the tension in the belt 13 will tend to increase the force between a portion of the surface of shaft 1 and the opening in body 11 as a result of the tension in belt 13 tending to pull the end of the body 11 supporting the pulley 12 toward the shaft 1. Accordingly, Habich et al will have a first moment about shaft 1 and a second moment about the axis of rotation of pulley 12 as required by claim 26.

Anderson et al will have a moment imparted to the body 52 upon rotation of the shaft 49 due to the surface friction existing between the surface of the opening in body 52 and the surface of the shaft 49. Further, the friction between these surfaces will be increased because the tension in the belt 26 will tend to increase the force between a portion of the surface of shaft 49 and the opening in body 52 as a result of the tension in belt 26 tending to pull the end of the body supporting the pulley 50 toward the shaft 49. Accordingly, Anderson et al will have a first moment imparted to the body 52 about the shaft 49 and a second moment about the axis of rotation of pulley 50 as required by claim 26.

Appellant has argued that O'Brien is directed to a singulator apparatus and that the examiner has cited element 40 as teaching the invention. Appellant has further argued there is not a body in O'Brien like the body claimed in the instant application and thus fails to teach how to make a solid body, i.e. to bifurcate.

These arguments are without merit.

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Appellant is attempting to incorporate the entire apparatus of O'Brien in to Habich et al or Anderson et al. The examiner has employed O'Brien et al only for the teaching of connecting a link (body) with a shaft by bifurcating the end of the body as at locations 62, 68 in Figure 2 of O'Brien et al. Employing such teaching in the Habich et al and Anderson et al references the opening (hole) in the body (11 in Habich et al and 52 in Anderson et al) would be a bifurcated end instead. The body would then be held in engagement of the respective shaft in Habich et al and Anderson et al by the tension of the belt.

Appellant has argued that Marzullo fails to show the second roller lower than the first.

This argument is without merit.

As illustrated in Figure 1 of Marzullo the second roller 20 is shown in a lower position than the first roller 30 while maintaining the same relative relationship as the rollers (pulleys) supporting the belts in Habich et al and Anderson et al. Accordingly, the location of the second roller lower than the first roller is an obvious variation for the arrangement.

Appellant has argued Watanabe fails to teach making ribs on the belt so as to have substantial deflectability and Watanabe fails to teach the claimed aspect ratios.

These arguments are without merit.

It is the examiner's position that the ribs having substantial deflectability and the specific claimed aspect ratios is an obvious matter of choice since applicant has shown no clear teaching as to the criticality of the aspect ratios and the deflectability of the ribs.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Primary Examiner  
Art Unit 3653

dhb  
January 12, 2004

Conferees  
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